

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

John M.,

Case No. 19-cv-1438 (WMW/BRT)

Petitioner,

v.

**ORDER ADOPTING
REPORT AND RECOMMENDATION**

William P. Barr, Kevin McAleenan,
Thomas Homan, Peter Berg, and Eric
Hollien,

Respondents.

This matter is before the Court on the July 30, 2019 Report and Recommendation (R&R) of United States Magistrate Judge Becky R. Thorson. (Dkt. 13.) The R&R recommends denying Petitioner John M.'s petition for a writ of habeas corpus under 28 U.S.C. § 2241, in which he seeks release from the custody of the Immigration and Customs Enforcement agency (ICE). Objections to the R&R were not filed in the time period permitted.¹

In the absence of timely objections, this Court reviews an R&R for clear error. *See* Fed. R. Civ. P. 72(b) advisory committee's note ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Having conducted a careful review, the Court finds no clear error as to the R&R's

¹ Petitioner was removed from the United States before the R&R was issued. As a result, it does not appear that he received a copy of the R&R.

conclusion that the petition became moot upon Petitioner's release from ICE custody and removal from the United States on July 16, 2019.

Accordingly, the Court adopts the R&R and denies the petition as moot.

ORDER

Based on the R&R, the foregoing analysis, and all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

1. The July 30, 2019 R&R, (Dkt. 13), is **ADOPTED**.
2. Petitioner John M.'s petition for a writ of habeas corpus, 28 U.S.C. § 2241, (Dkt. 1), is **DENIED AS MOOT**.
3. Petitioner John M.'s application to proceed *in forma pauperis*, (Dkt. 2), is **DENIED AS MOOT**.
4. This action is **DISMISSED WITHOUT PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 13, 2019

s/Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge